H.H. 43

1942 (Regis) ✓ 4-42 Serial No. 1

Previous references.

PRESERVED

Later references.

(16)

Office of the Secretary to the Representative Assembly and Legislative Council

for February 1944

SUBJECT.

The penalties (Enhancement) Amendment Bill

A Bill to amend the penalties (Enhancement) Act 1942

Ordinance to Amend the Penalties (Enh. Ordinance, 1942.

General and Revenue Secretariat | File No. 1202 of 194 | [App. F. III-2

Serial No.

Gazette of India Extra-ordinary dt 26th Aug. 42 Amending the Penalties (Enhancement) ordinance, 1942.

From the Secy to the Hon'ble the Resident No. F. 9-42/W dt 3rd/4th Sept. 1942 inviting attention to the Gazette Extraordinary referred to above, promulgating the Penalties (Enhancement) Third Ordinance Amendment and requesting that the Provisions contained therein may be incorporate in the Enactment in force in the State.

The above memorandum (No. F. 79-42/W, dt 18.6.42)* referred to in the P.W.D was received in the War Sect and sent to the Legis. Sectn for taking action.

These references may be referred to the Legis. Sectn for taking necessary further action.

SM 5/9

2. Please put up previous refs.

MMV 7/9

3) It is understood that the original and Ordinances and its subsequent amendments had been dealt with in the Legislation Section. If so this may kindly be dealt with there if there is no objection.

MMV 7/9

Asst Secy. Legislation W.C.

4) Please put up a copy your Act and the principal British Indian Ordinance.

7.9.42

WDC4155- GJPB—55,000—28-10-41

Ordinance to amend the penalties Ordinance 1942

File No. 120/Rl of 194 .

A copy of the penalties (Enhancement) Act, 1942, is put up herewith

1) Please ascertain if rule 35 of the Defence of India Rules has been recently amended and if so kindly put up a copy

8.9.42

It is ascertained that Rule 35 of the Defence of India Rules has been recently amended. A copy of the gazette wherein the said amendment has been published is put up herewith.

7) Section 5 of the Penalties Enhancement Act provides for an enhanced penalty for a Contravention of rule 35 of the Defence of India Rules. The present amending ordinance makes two principal changes in section 5.

8) firstly the enhanced penalty will obtain for a Contravention of rule 35 for the time being in force, that is of rule 35 as it may read amended from time to time. Rule 35 has in fact been amended recently and damage not merely to telegraph but to telegraph lines or posts are also made punishable.

9) secondly attempts to commit and abetments of an offence of sabotage (rule 35) also come in for the enhanced penalties under section 5.

Penalties Enhancement (amendment) Bill

General and Revenue Secretariat

File No. 120/42 of 194

[App. F. III—2

Serial No.

OFFICE OF THE MINISTER FOR LAW
SEP 11 1942
No. 2272

11 SEP 1942
(L&F) 222

GOVT. LAW DEPT. MYSORE

10) It is for orders if similar amendments could be undertaken in Mysore.

If so whether an Emergency Act may be promulgated in the first instance and a Bill brought forward before the R.A. during its ensuing Session.

11) A draft Bill is also put up for Consideration.

DRS 10.9.42

Secy RA. Dept)

BKR 10.9.42

Law Secy)

12) This is intended to meet any technical objections that may be taken & to extend the operation to abetment, attempt & preparation may be incorporated

Chs 10-9-42

Minister for Law

Dewan

BKR 11-9-42

13) It is unnecessary to issue it as an Emergency Act. A Bill may be placed before RA.

11/9

14) RLM 18/9/42

Chs 13-9-42

WD 04155—GPB—55,000—23-10-41

BKR 15-9-42

Re redrafted the Bill. Please put a St. re Principle urgently

DRS 15-9-42

Penalties (Enhancement) Amending Bill

File No. 120/RL of 194 .

General and Revenue Secretariat.

Serial No. 2402

b) Draft St. of principles is put up for approval.

17) Please put up typed copy as revised
Sms 16.9.42

21/9/42 BKR 15/9

18) The Statement of principles put up may be approved. } This will be done later
Ans 17.9.42

19) This is a Council matter.
Sms 17.9.42

Secy 18-9-42)

BKR 17.9.42

SECY. DEPT. 305 OCT. GOVT OF MYSORE

Law Secy)

20) This may be disposed of by circulation
Ans 17-9-42

BKR 18.9.42

21) Nil
19/9/42
Ans 21-9-42

BKR 21.9.42

Sms 21.9.42

Submitted with a circulation
Ans 21/9/42

Sgd 21/9

Immediate

For Disposal by Circulation. **No. C. 345**

.....21.....1942-43.

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

The Penalties (Enhancement) Amendment Bill.

22) *Circulated to the Council of Ministers.*

By Order.

.....21st September 1942. *Chief Secretary to Government.*

---

23) **Minister for Finance and Revenue.** 23.9.42

Minister for Law. (Law)

24) **Minister for Education.** 22.9.42

25) **Minister for Local Self-Government and Public Health.** 22.9.42

Law Secy c/s

WD 06846—GPB—500—24-8-42

D.F.R. today

Final Note by the Minister for Law

Subject.—

The Penalties (Enhancement) Amendment Bill.

On the 7th day of July 1942, His Highness was graciously pleased to approve of the proposal to promulgate the Penalties (Enhancement) Bill, as finally passed by the Legislative Council, into law. This Act has been modelled on the lines of the Penalties Enhancement Ordinance, 1942, of British India, as amended by the first and second amendment ordinances. Recently, the Penalties (Enhancement) Third Amendment Ordinance has been promulgated by the Governor-General making two changes in the principal Ordinance.

This amending Ordinance seeks to make it clear that the contravention of rule 35 of the Defence of India Rules (dealing with offences of sabotage) for which enhanced penalties are provided by section 5 of the Ordinance, is that of the rule as amended from time to time. It also provides that a person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of the said rule 35 should also become liable for enhanced penalties in the circumstances in which section 5 will apply.

It is proposed to effect these changes in our Act. The Dewan and the other Ministers are agreeable to the above proposal.

I solicit the gracious sanction of His Highness to place the Bill before the Representative Assembly and introduce it thereafter in the Legislative Council.

Bangalore,
28th Sept., 1942.

MINISTER FOR LAW.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the Penalties (Enhancement) Amendment Bill, for His Highness's gracious approval.

N. N. Sundara Raj

Bangalore,
29th September 1942.

DEWAN.

Record of Cases submitted for the Orders of
His Highness the Maharaja.

Subject.

The Penalties (Enhancement) Amendment Bill.

Order.

29/9/'42

General and Revenue

Secretariat.

C345

SUBJECT:—

The Penalties (Enhancement) Amendment Bill.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

L..a..W.....Department.

3158
11.10.42

Minister for Finance and Revenue.

11.10.42

2925
3.X.

Minister for Law.

1833
8.10

Minister for Education.

8-10.

2789
3/10

Minister for Local Self-Govt. and Public Health.

7.10.42

Law see W/cs

8/10

13-10-42

WD 06360—GPB—500—23-3-42

General and Revenue Secretariat
R. A. & L. C.

B-III

File No. 120/Rh. of 194 [App. F. III–

Serial No.

26) A.S.F.N. is submitted for approval

26/9/42

BSR 26.9.42

Secy (Rev & Ex) (Law Secy)

BXR 26-9-42

27) S.F.N. submitted

Minister for Law

26-9-42

BXR 25.9.42

28) 28/9

29-9-42

29) S. IV is submitted

Dewan

29-9-42

BXR 29.9.42

Bills and St. bills in the meantime be sent to the press for being set in type. A print order will be given in the precious account of the Highness.

BSR 26.9.42

SECY. L. & R. A. 3445 29 SEP 1942 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR LAW
SEP 28 1942
No. 2719.

1446/42

No.F.9-42/W.

5. SEP. 1942

From

The Secretary to the Hon'ble
the Resident in Mysore.

To

The Chief Secretary to the
Government of His Highness
the Maharaja of Mysore,
Bangalore.

Dated Bangalore, the 3rd Sept. 1942

The Penalties (Enhancement)
Third Amendment Ordinance. 1942.

Sir,

I am directed to refer to memorandum from this Residency No.F.79-42/W, dated the 18th June 1942, and to invite attention to the Gazette of India Extraordinary, dated the 26th August 1942, promulgating the Penalties (Enhancement) Third Amendment Ordinance, 1942. I am to request

request that the provisions contained in that Ordinance may be incorporated in the enactment in force in the State.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

VN

Gazette of India

EXTRAORDINARY

JBLISHED BY AUTHORITY

II, WEDNESDAY, AUGUST 26, 1942

GOVERNMENT OF INDIA

EGISLATIVE DEPARTMENT.

New Delhi, the 26th August 1942

RDINANCE No. XLVI OF 1942.

ORDINANCE

er to amend the Penalties (Enhancement) Ordinance, 1942.

s an emergency has arisen which makes it further to amend the Penalties (Enhance- linance, 1942, for the purposes hereinafter

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (*1*) This Ordinance may be called the Penalties (Enhancement) Third Amendment Ordinance, 1942.

(*2*) It shall come into force at once.

2. In section 5 of the Penalties (Enhancement) Ordinance, 1942,—

(*a*) after the word "provisions" the words "for the time being in force" shall be inserted;

(*b*) after the words "Defence of India Rules" the words and figures "or is deemed under rule 121 of the said Rules to have contravened any such provision" shall be inserted;

(*c*) for the words "the said rule" in both places where they occur, the words "the said Rules" shall be substituted.

LINLITHGOW
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
ITED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DE

Main Act

THE PENALTIES (Enhancement) AMENDMENT BILL.

Statement of Principles.

Section 5 of the Penalties (Enhancement) Act, 1942, provides, in certain circumstances, for enhanced penalties for a contravention of the provision of rule 35 of the Defence of India Rules, as applied to Mysore. It is considered desirable to make it clear that the contravention contemplated is of the rule as amended from time to time. It is also considered necessary to provide that a person, who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, the said rule 35 should also become liable for enhanced penalties in the circumstances in which section 5 will apply.

This Bill has been brought forward to effect these changes and is based on the Penalties (Enhancement) Third Amendment Ordinance, 1942, of British India.

The Penalties (Enhancement) Amendment (Emergency) Act, 1942. Bill

---

WHEREAS the ~~Government of His Highness the Maharaja is satisfied~~ it is expedient to that circumstances ~~exist which render it necessary to take immediate action to~~ amend the Penalties (Enhancement) Act, 1942 (XXV of 1942);

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 31 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:-

1. (1) This Act may be called the Penalties (Enhancement) Amendment (~~Emergency~~) Act, 1942.

(2) It shall come into force at once.

2. In section 5 of the Penalties (Enhancement) Act, 1942:-

(a) after the word "provisions" the words "for the time being in force" shall be inserted.

Future

(b) after the words "Defence of India Rules, as applied to Mysore", the words and figures "or is deemed under rule 121 of the said Rules to have contravened any such provision" shall be inserted.

All Lawyers also Members

(c) for the words "the said rule.", the words "the said Rules" shall be